

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

|                                 |   |                           |
|---------------------------------|---|---------------------------|
| MICHAEL P. and SHELLIE GILMOR,  | ) |                           |
| et al.,                         | ) |                           |
|                                 | ) |                           |
| Plaintiffs,                     | ) |                           |
|                                 | ) |                           |
| vs.                             | ) | Case No. 10-0189-CV-W-ODS |
|                                 | ) |                           |
| PREFERRED CREDIT CORP., et al., | ) |                           |
|                                 | ) |                           |
| Defendants.                     | ) |                           |

ORDER ADDRESSING DISCOVERY ISSUES

On December 7, 2010, the Court participated in a telephone conference with attorneys for Plaintiffs and the IMPAC Defendants. After considering the written submissions and the arguments presented, the Court now resolves the pending discovery disputes.

First is the issue of expense. The IMPAC Defendants represent that some of its records are stored with a third-party vendor. Retrieving the records necessary to respond to Plaintiffs' discovery requests will require the IMPAC Defendants to pay the third-party approximately \$10,000. The IMPAC Defendants ask that Plaintiffs be required to pay some of this expense; the request is denied. The Court acknowledges that it has the discretion under Rule 26 to make such an order. However, the Court is not persuaded that the equities in this case justify altering the presumption that the responding party must bear the cost complying with discovery requests.

The second issue involves scheduling. After considering the parties' arguments, the Court sets the following deadlines for the IMPAC Defendants' production of the following documents or information:

- Information detailing the Gilmor Loan's assignment history will be produced by December 30, 2010. The information will include the date the Gilmor loan was acquired, from whom it was acquired, the entities through which it passed, the securitization trust(s) that held the loan, and the loan's ultimate disposition. The

response shall be regarded as an interrogatory answer (although, of course, the IMPAC Defendants may simply produce the documents containing the responsive information).

- Documents reflecting the payment history for the Gilmor loan will be produced by December 15, 2010.
- Documents reflecting the payment histories for all other class members will be produced by January 14, 2011.

IT IS SO ORDERED.

DATE: December 8, 2010

/s/ Ortrie D. Smith  
ORTRIE D. SMITH, JUDGE  
UNITED STATES DISTRICT COURT